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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION
13

14 CINDY TITUS,

15 Plaintiff,

16 v.

17 KILOLO KIJAKAZI,
18 Acting Commissioner of Social Security,

19 Defendant.
20

No. 1:21-cv-00125-EPG

STIPULATION AND ORDER FOR EXTENSION
TO FILE DEFENDANT'S OPPOSITION TO
PLAINTIFF'S OPENING BRIEF

(ECF No. 14)

21 The parties stipulate through counsel that Defendant, the Commissioner of Social Security
22 (the "Commissioner"), shall have an extension of time to file her opposition to Plaintiff's opening
23 brief in this case. In support of this request, the Commissioner respectfully states as follows:

24 1. Primary responsibility for handling this case has been delegated to the Office of
25 the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").

26 2. Defendant's response to Plaintiff's opening brief is currently due May 16, 2022.
27 Defendant has not previously requested an extension of time for this deadline.

28 3. The Region IX Office currently handles all district and circuit court litigation

1 involving the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and
2 Guam.

3 4. The Region IX Office employs 43 staff attorneys, of whom 29 are actively
4 handling civil litigation involving the Social Security program in the eight assigned jurisdictions.
5 Most of the attorneys who handle program litigation cases have additional responsibilities, such
6 as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the
7 work product of junior attorneys, conducting trainings, and participating in national workgroups.
8 In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has
9 had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-
10 assigned cases into their existing caseloads.

11 5. In addition to this “program” litigation, the 29 staff attorneys in the Region IX
12 Office maintain other workload responsibilities, with most of them dedicating 40 percent or more
13 of their time to these workloads. The Region IX Office provides a full range of legal services as
14 counsel for the Social Security Administration, in a region that covers four states (including the
15 most populous state in the nation) and three territories. These other workloads include
16 employment litigation; civil rights investigations; bankruptcy matters; and requests for legal
17 advice on wide-ranging topics, including employee conduct and performance, reasonable
18 accommodation, hostile work environment, ethics, Privacy Act and disclosure, torts, property,
19 and contracts.

20 7. The undersigned attorney has 11 briefs due in district court cases over the next
21 thirty days and has to prioritize cases with deadlines that have already been extended.

22 8. Due to the volume of the overall workload within the Region IX Office, neither the
23 undersigned attorney nor another attorney in the Region IX Office anticipate being able to
24 complete briefing by the current due date of May 16, 2022. Therefore, Defendant seeks an
25 extension of 60 days, until July 15, 2022 to respond to Plaintiff’s opening brief.

26 9. This request is made in good faith and is not intended to delay the proceedings in
27 this matter.
28

WHEREFORE, Defendant requests until July 15, 2022, to file her opposition to Plaintiff's opening brief.

Respectfully submitted,

DATE: May 16, 2022

/s/Shellie Lott
SHELLIE LOT
Attorney for Plaintiff
(as approved via email on 5/13/22)

PHILLIP A. TALBERT
United States Attorney

DATE: May 16, 2022

By s/ Sathya Oum
SATHYA OUM
Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Based on the above stipulation (ECF No. 14), IT IS ORDERED that Defendant shall file Defendant's response to Plaintiff's opening brief no later than July 15, 2022. All other deadlines in the Court's scheduling order are extended accordingly.

IT IS SO ORDERED.

Dated: May 16, 2022

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE